

1 RENE L. VALLADARES  
2 Federal Public Defender  
3 Nevada State Bar No. 11479  
NAVID AFSHAR  
4 Assistant Federal Public Defender  
Nevada State Bar No. 14465  
411 E. Bonneville, Ste. 250  
Las Vegas, Nevada 89101  
(702) 388-6577/Phone  
(702) 388-6261/Fax  
Navid\_Afshar@fd.org

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7 Attorney for Stevie Nelon

8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10  
11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 STEVIE NELON,

15 Defendant.

16  
17 Case No. 2:21-CR-00158-RFB-DJA

**STIPULATION OF FACTS FOR  
PURPOSES OF MOTION TO  
DISMISS [ECF NO. 29]**

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21  
22 IT IS HEREBY STIPULATED AND AGREED, by and between Jason Frierson, United  
States Attorney, and Allison Reese, Assistant United States Attorney, counsel for the United  
States of America, and Rene L. Valladares, Federal Public Defender, and Navid Afshar,  
Assistant Federal Public Defender, counsel for Stevie Nelon, that the following facts will be  
stipulated to by the parties, for the purposes of the evidentiary hearing that occurred on January  
31, 2023, and this Court's consideration.

23 The Stipulation is entered into for the following reasons:

24 1. Mr. Nelon filed a motion to dismiss or, in the alternative, to suppress evidence.  
25 ECF No. 29. The motion was fully briefed.

1           2. An evidentiary hearing to address the merits of the motion was held on January  
2           31, 2023.

3           3. At the evidentiary hearing on January 31, 2023, the government presented its  
4           witnesses.

5           4. Due to a scheduling conflict amongst witnesses, the parties agreed to bifurcate  
6           the evidentiary hearing, with Mr. Nelons witnesses to present on February 23, 2023 if the Court  
7           determined that Mr. Nelons satisfied an offer of proof that his witnesses should testify.

8           5. Based on discussions between the Court, counsel for the government, and  
9           counsel for Mr. Nelons, the parties have agreed to the stipulation of certain facts, which will  
10           forego the need for Mr. Nelons to call any witnesses and obviates the need for a February 23,  
11           2023, hearing.

12           6. The parties hereby agree that on October 16, 2020, the Carey Mini Market,  
13           located at 1504 West Carey Avenue, North Las Vegas, NV 89032—the location where the  
14           alleged offense in this matter occurred—had a video retention policy of three to six weeks. After  
15           this period, any recordings would be (and were) overridden.

16           DATED this 6th day of February 2023.

17           RENE L. VALLADARES  
18           Federal Public Defender

19           /s/ *Navid Afshar*  
20           By \_\_\_\_\_  
21           NAVID AFSHAR  
22           Assistant Federal Public Defender

17           JASON FRIERSON  
18           Acting United States Attorney

19           /s/ *Allison Reese*  
20           By \_\_\_\_\_  
21           ALLISON REESE  
22           Assistant United States Attorney

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
STEVIE NELON,  
Defendant.

Case No. 2:21-CR-00158-RFB-DJA

## ORDER

## **FINDINGS OF FACT**

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Mr. Nelson filed a motion to dismiss or, in the alternative, to suppress evidence. ECF No. 29. The motion was fully briefed.

2. An evidentiary hearing to address the merits of the motion was held on January 31, 2023.

3. At the evidentiary hearing on January 31, 2023, the government presented its witnesses.

4. Due to a scheduling conflict amongst witnesses, the parties agreed to bifurcate the evidentiary hearing, with Mr. Nelon’s witnesses to present on February 23, 2023 if the Court determined that Mr. Nelon satisfied an offer of proof that his witnesses should testify.

5. Based on discussions between the Court, counsel for the government, and counsel for Mr. Nelon, the parties have agreed to the stipulation of certain facts, which will forego the need for Mr. Nelon to call any witnesses and obviates the need for a February 23, 2023, hearing.

6. The parties hereby agree that on October 16, 2020, the Carey Mini Market, located at 1504 West Carey Avenue, North Las Vegas, NV 89032– the location where the alleged offense in this matter occurred–had a video retention policy of three to six weeks. After this period, any recordings would be (and were) overridden.

## ORDER

IT IS ORDERED that the stipulation of the parties is accepted by this Court and will be entered into the record as evidence to be considered towards disposition of the motion to dismiss, or in the alternative, suppress.

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HONORABLE RICHARD F. BOULWARE  
UNITED STATES DISTRICT JUDGE

DATED: February 7, 2023.